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suppliers who were previously sent a notification of the request. In general, e-mail notifications are sent to suppliers when the requester performs any action against the request and *vice versa*.

REMARKS

In a separate letter, formal drawings are being submitted to replace the informal drawing filed with the patent application. Acknowledgment of the receipt of the formal drawings is respectfully requested.

A minor amendment has been made to the specification to correct a typographical error. No new matter has been added.

Claims 1 to 7 are pending in the application.

The disclosed and claimed invention provides a tool that allows a user, such as a hiring manager, to communicate requirements to technical service suppliers in a way that significantly reduces the process time and improves the accuracy of requests sent to suppliers. While methods have been developed to procure components and hardware in manufacturing many products, including for example automobiles and computers, the procurement of services, and especially technical services, has not received the same attention. The process, prior to the claimed invention, was still a matter of advertising, using third party employment services and other intermediaries. The invention provides a way to timely respond to a specific, immediate although temporary need for technical services.

Claims 1 to 7 were rejected under 35 U.S.C. §101 as lacking patentable utility. In making this rejection, the Examiner states the following:

“In Claims 1-7, the ambiguities cited would make it impossible for the process to be repeatable or ‘concrete’. In other words, different users would come up with different responses.”

Claims 1 to 7 were additionally rejected under 35 U.S.C. §112, first paragraph, for the reason, according to the Examiner, that “since the claimed invention lacks patentable utility, . . . one skilled in the art clearly would not know how to use the

claimed invention.” The two grounds of rejection are both based on the Examiner’s position that the claimed invention lacks utility and, therefore, the two grounds of rejection will be treated together.

Submitted herewith the declaration under 37 C.F.R.. §132 by Russell E. Parks, one of the inventors named in this application. Mr. Parks provides data in numbered paragraph 4 of his declaration which demonstratively shows the commercial success of the claimed invention which, in turn, is a clear indication of the utility of the invention. As Mr. Parks notes in his declaration, since different individuals have different skill sets and different requesters have different skill needs, one would expect different users to come up with different responses. However, this should not be taken as an indication that the process is not repeatable or concrete.

The invention is described in full and complete terms so as to enable one skilled in the computer and data processing arts to make and use the invention. First of all, there is provided a Skills Matching Application (SMA), the overall architecture of which is shown in Figure 1. This SMA application is accessed from a Requisition/Catalog (REQ/CAT) application, which may be either a Web-based application or a standalone application. A user who needs to request a technical contractor accesses the REQ/CAT application (or goes directly to the SMA Universal Resource Locator (URL)) which brings the user to the SMA Web site.

The SMA application takes the user through a series of screens which prompts the user (shown as the “client” in Figure 2) to enter a Statement of Work (SOW), block 221 in Figure 2, and complete a skills detail checklist for each of the technical skills requested. Some of the information required to be entered are the following:

- a) type and skill required, i.e., programmer, network specialist, database administrator, etc.;
- b) level of the skill;
- c) proficiency level of specific operating systems, programming languages

- and tools required of the candidate;
- d) work location, on-call, weekend work, experience required for position, etc.;
- e) other related SOW information; and
- f) file attachments can also be included.

Once the request is completed, it is submitted, blocks 223 and 224 in Figure 2, to contracted suppliers who are sent an e-mail notification. The e-mail communication is illustrated in Figure 1. This e-mail notification notifies the supplier that a new request has been entered into the SMA application for them to review and submit a candidate against. This e-mail has a standard formatted attachment which contains the statement of work and skills detail checklist.

The SMA application has the capability to identify suppliers as primary, secondary, and so on for a skill and send the request immediately to the primary and, after a first predetermined number of days, to the secondary and, after a second predetermined number of days, to the next and so on.

The suppliers, when they receive an e-mail request, access the Web site database to view the request details, block 250 in Figure 2. Suppliers can also use the e-mail notifications and attachments to load into their local systems. The supplier provides a response to the SOW by responding to the entries with the candidate's skills, experience, etc. See blocks 251 and 252 in Figure 2.

The requestor (or "client" as shown in Figure 2) will receive an e-mail notification each time the supplier submits a candidate. The requestor then accesses the SMA Web site and views the supplier responses and associated resumes and can either accept or reject each candidate submitted but cannot accept more than the number of candidates requested. See blocks 203 and 204 in Figure 2. Once the requester accepts the candidate(s), the request is considered closed and the request is archived after the next SMA batch process is complete. The requestor then submits the candidate(s) to the REQ/CAT Web site where it is assigned to a requisition, block 205 in Figure 2. The requester then completes the requisition (i.e., adding travel and other related expenses, etc.) and then moves

through the requisition approval process, block 206 in Figure 2.

Once the requisition is approved in the REQ/CAT Web site, block 206 in Figure 2, it is sent on to SAP procurement system, block 207 in Figure 2, for conversion to a purchase order and transmission to a supplier. Status changes, i.e., submitted, pending, sent to REQ/CAT, and Approved (in REQ/CAT Web site), and purchase order (PO) number from SAP are reflected in the status field on the SMA database.

In addition to the process defined here, the SMA application supports a Renewal, Known Candidate and "Submit Requisition Directly to REQ/CAT Web" process. The renewal process is used to "renew" a technical subcontractor who is already working for the company. Known items are the candidate(s) name(s) and supplier. These requests are only sent to the supplier who is already providing the candidate(s). The Known Candidate function is used to send a request to a supplier for a candidate that has already been identified. The "Submit Requisition Directly to REQ/CAT Web" process is used when the requestor knows the candidate(s) name(s), the supplier and the rate to be charged. These requests are not sent to suppliers; rather, the request when completed is sent directly to the REQ/CAT Web site.

Based on the foregoing remarks and in light of the declaration under 37 C.F.R. §1.132 of Russell E. Parks, reconsideration and withdrawal of the rejections under 35 U.S.C. §§101 and 112, first paragraph, is respectfully requested.

Claims 1 to 7 were also rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,289,340 B1 to Puram et al. This rejection is respectfully traversed for the reason that Puram et al. neither show nor suggest the claimed invention.

Puram et al. discloses a consultant matching system and method for selecting candidates from a candidate pool to fill a position. The system generates and stores profiles of candidates based on skills and experience, generates and stored a skills profile for a position to be filled, adjusts the skills profile of candidates based on levels of skills needed, and compares candidates based on

their adjusted profiles.

Puram et al. contemplate a system which provides three different user interfaces – one for candidates, one for employers and one for experts which provide third-party evaluations of the candidates. Using the user interface for candidates 52 in Figure 1c, a candidate enters his or her technical skills and skill level for each skill. A candidate also enters his or her industry experience, skill levels for communication and leadership skills, and project experience. See Figure 2. An expert using the user interface for third-party evaluations 51, generates and enters a third part assessment based on an interview with the candidate. The data from the two user interfaces 52 and 51 are communicated through the Internet 60 to a Web server 55 where it is received by a data receiving and interrogating process 67 to acquire an adjust candidate profile that is stored in database 65. An employer, using the employer user interface 53, inputs via the Internet a request to the Web server 55. This request includes skills selected by the employer from a list of pre-defined skills. The data receiving and interrogating process 68 accesses the database 65, and a matching and ranking process 69 compares candidates based on adjusted profiles and returns the ranked candidates to the employer.

Reference is again made to the declaration under 37 C.F.R. §1.132 of Russell E. Parks. Mr. Parks discusses the Puram et al. patent in numbered paragraph 5 of his declaration. Mr. Parks notes there that what Puram et al. describe is known in the art as a “Monster Board” where technical service providers enter data about their skills and users of these skills enter requirements and the system attempts to make a match. This is quite unlike the claimed invention where suppliers respond to a Request for Service (RFS) by submitting candidates to the requester. Puram et al. includes a database of perspective candidates, whereas the claimed invention includes no such database.

Claim 1 recites “A *Skills Matching Application (SMA)* which allows a user to communicate requirements to technical service suppliers” (emphasis added).

The process implemented by the SMA includes the steps of:

“accessing the SMA from a Requisition/Catalog (REQ/CAT) application;

“prompting a user through a series of screens to enter a Statement of Work (SOW) and complete a skills detail checklist for each of the technical skills requested;

“*submitting the request to contracted suppliers by e-mail notification* notifying the supplier that a new request has been entered into the SMA application for them to review and submit a candidate against;

“*receiving from a supplier a candidate or candidates with appended resumes* as appropriate; and

“displaying for the user the supplier responses and associated resumes” (emphasis added).

Note that the suppliers are contracted suppliers. Mr. Parks states in his declaration under 37 C.F.R. §1.132 that the claimed invention is a proprietary systems; that is, the suppliers of the services have contracts with the user of the system which specify pre-negotiated rates for the services that may be requested. Note also that it is the supplier of the services that submits to the requester candidate(s) with appended resume(s). No database is maintained by the claimed invention. Independent claims 4 and 5 contain similar limitations.

The Examiner additionally cited twelve other U.S. patents, two Japanese published patent applications, and an article from *Business Wire* as of interest. First of all, it is noted that this large number of references would seem to be evidence that this technology has utility, contrary to the Examiner's first rejections. Second, all the references have been reviewed, but none of them are believed to be relevant to the claimed invention.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 7 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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Clean Copy of Amended Paragraphs

Paragraph on 6, lines 13 to 21, now reads as follows:

The SMA application has the capability to identify suppliers as primary, secondary, tertiary, etc., for each skill. The SMA application will send the request immediately to the primary and after a predetermined number of days to the secondary, and so on. The number of days between e-mail notifications are variables which can be changed by the SMA application administrator. The requester can cancel the request at any time, in which case and e-mail is sent to all suppliers who were previously sent a notification of the request. In general, e-mail notifications are sent to suppliers when the requester performs any action against the request and *vice versa*.